



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

100

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,825	01/30/2002	Roderick John Scott	0623.1160001/LBB/GLL	2437
26191	7590	07/14/2004	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA 60 SOUTH SIXTH STREET MINNEAPOLIS, MN 55402			BAUM, STUART F	
		ART UNIT	PAPER NUMBER	
		1638		

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Non-Responsive Communication

1. The amendment filed on 4/26/2004 in response to the office communication mailed

3/11/2004 is non-responsive for the following reasons:

I) The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). Applicant has failed to recognize that claims 36-39, presented in the amendment filed 5/21/2002, are still pending.

II) The amendment filed on 4/26/2004 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because they are drawn to a method for the production of modified endosperm comprising down-regulating one or more DNA methylating enzymes present in the plant. Applicant elected Group X, drawn to a method for the production of modified endosperm comprising transforming a plant with a nucleic acid encoding a de-methylating enzyme.

2. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in

Art Unit: 1638

order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR
1.136(a) ARE AVAILABLE.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stuart F. Baum whose telephone number is 571-272-0792. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on 571-272-0804. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.



Stuart F. Baum Ph.D.
Patent Examiner
Art Unit 1638
June 29, 2004